

**CITY OF DUNWOODY
NOVEMBER 24, 2008
COUNCIL MEETING MINUTES**

The Mayor and Council of the City of Dunwoody held a Regularly-scheduled Council Meeting on Monday, November 24, 2008 at 7:00 p.m. The Council Meeting was held in the Dunwoody United Methodist Church, 1548 Mount Vernon Road, Dunwoody, Georgia 30338. Present for this meeting were the following:

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| District 1, Post 1 | Denis Shortal, Council Member |
| District 2, Post 2 | Adrian Bonser, Council Member |
| District 3, Post 3 | Tom Taylor, Council Member |
| At Large, Post 4 | Robert Wittenstein, Council Member |
| At Large, Post 5 | Danny Ross, Council Member |
| At Large, Post 6 | John Heneghan, Council Member |
| | Ken Wright, Mayor |

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| Staff Present: | Brian Anderson, City Attorney |
| | Warren Hutmacher, City Manager |
| | Leonid Felgin, Assistant to Acting City Clerk |

Mayor called the Meeting to order. The Mayor showed some pictures of the Dunwoody Farmhouse taken by a Peachtree Middle School student. Councilmember Ross showed a “Dunwoody” sign from the early 1920’s when Dunwoody was still in Milton County.

PLEDGE OF ALLEGIANCE led by Council Member Wittenstein.

MINUTES:

Mayor Wright motioned to approve the November 10, 2008 City Council Meeting Minutes. Council Member Ross seconded. The motion carried unanimously and the Minutes approved as presented.

Council Member Heneghan moved to approve the November 17, 2008 Council Work Session Minutes as presented. Council Member Ross seconded. The motion carried unanimously.

AGENDA APPROVAL: Councilmember Shortal moved to add an agenda item, the approval of the Suntrust Bank RFP. Mayor Wright seconded. There was no discussion. The motion carried unanimously.

Councilmember Shortal moved to amend the agenda to add the words “authorize issuance of letter of intent to enter into contract negotiations with selected vendors” to items 7, 8 and 9 under New Business in the Agenda. Councilmember Taylor seconded. There was no discussion and the motion carried unanimously.

PUBLIC COMMENT: Mayor requested public comments and reminded the audience that there was a second opportunity for public comments at the end of the meeting.

Bob Leavey – owner of Divine Wine Bar and Shop – stated he had restaurant owners come to him to tell him the requirements of the alcohol application are too much. They already went through all of this with Dekalb County previously and weren't sure why they had to provide the same extensive information – including citizenship information – again to the City of Dunwoody when under Dekalb law all they'd have to do is get a renewal. It would take too long for an average business owner to fill out the information. The same is true for business licenses as well. The City needs to coordinate between all of its laws to streamline the process.

Jonathan Edwards – Noticed on website that Georgia Power Agreement was for 35 years and it seemed lengthy to him. Wanted to know if that was standard operating procedure on such franchises and whether a shorter time period is possible. He also wanted to know if there is any plan by the City to bury the electrical cables and require the power companies to do so with all of the overhead electrical lines like other communities. He also wanted to know where certain people stood in the bidding process for City services.

There were no further public comments at that time.

CONSENT AGENDA:

Resolution to Approve a Proclamation to be Presented on Behalf of the City Council to the Dunwoody Fine Art Association - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-19 for consideration. Councilmember Shortal moved to approve the Resolution. Councilmember Taylor seconded. Under discussion, Mayor Wright stated that he was approached by the Dunwoody Fine Art Association for this fundraiser which would have displays of local art in the month of April, 2009 and he thought it was a good idea. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-19*)

UNFINISHED BUSINESS:

Chapter 15, Business Occupation Tax, Licenses and Regulation - The Second Read of Ordinance 2008-11-09 approving Chapter 15: Business Occupation Tax, Licenses and Regulation was read by Assistant to Acting City Clerk Felgin. Council Member Ross made a motion approve Ordinance 2008-11-09 as presented. Council Member Heneghan seconded. Under discussion, City Attorney Anderson went over some changes that were done since the ordinance was last presented, including the section on Massage Parlors being taken out due to regulation by state law. Councilmember Shortal asked whether there is a rush to get this passed. City Attorney Anderson stated that it's best to get the notices out this year, but there is no real rush. Councilmember Wittenstein went over one other change concerning incidental business income of \$12,000 or less being excluded from the occupation tax based on certain citizen input. Councilmember Ross stated that

Dekalb County send out notices to businesses in Dunwoody telling them that Dunwoody will be doing the licenses from now on because many people inquired about it and would want to get the license renewed for income tax purposes. Seeing no further discussion, the Mayor called for a vote on the motion. The motion carried unanimously. (*Ordinance 2008-11-09*)

Discussion on City Implementation – City Manager Hutmacher stated that the City is slated to move into the rented work space soon and phones will be put in and staff will be ready to answer phones by December 1st. He’s also interviewing some City positions this week – Police Chief and Finance Director – and hopes to hire them soon. The City will be ready by December 1st to provide limited services. The City just received its Federal Tax ID number and will be getting started on purchasing the ammunition for police.

Councilmember Shortal wanted to thank all citizens who put on the “Light up Dunwoody” the previous night. He said it was a heck of a performance that should be seen by everybody. Also, the Dunwoody Crier will have advertisements in the paper this week giving the City’s new phone number and next week it will have a PR piece on the Faces of Dunwoody, including the City Council. He is asking that at this time everybody be supportive and constructive as the City begins operations.

REPORTS AND PRESENTATIONS

“Welcome to Dunwoody” signs – Bob Lundsten was asked to give an update on the signs. Mr. Lundsten stated that two designers submitted 19 designs for Welcome signs to be put in various areas of the City. On December 1st, the top three vote getters in the committee will be opened for a general vote by the citizens on which sign design is chosen and the winner will be announced at the first City Council meeting in January, 2009. Mr. Lundsten also requested that until the three finalists are put up for the citywide vote that the 19 designs be kept confidential if possible.

NEW BUSINESS

Discussion of Budget – The Mayor stated that the budget is not yet ready but many people are making their input of numbers into it and it will be hashed out. Mayor wants to make the thirty (30) – day announcement on the budget hearing. Councilmember Ross thinks we need to do it as soon as possible to do banking properly. It will be set for December 29th. Councilmember Shortal wants to be able to discuss it earlier.

Resolution to Establish a Franchise Fee in the City of Dunwoody for Holders of a Cable or Video Service Provider State Franchise - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-14 for consideration. Councilmember Shortal moved to approve the Resolution. Councilmember Wittenstein seconded. Under discussion, Councilmember Ross wanted to make sure the cable prices will not go up. City Attorney Anderson says that Dekalb has currently the same assessment for cable franchise fees on its books, but he does not know what the charge is in actuality. He

believes it is the same amount as Dekalb. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-14*)

Resolution to Approve and Authorize an Intergovernmental Agreement Between the City of Dunwoody and Dekalb County for Fire and Rescue Services - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-15 for consideration. Councilmember Taylor moved to approve the Resolution. Councilmember Shortal seconded. Under discussion, Councilmember Shortal wanted to make sure this will not be a tax increase. City Attorney Anderson responded that this IGA guarantees that the City will stay in the same fire tax district as the rest of the County and will be charged the same amount as the rest of unincorporated Dekalb County. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-15*)

Resolution to Approve and Authorize an Intergovernmental Agreement Between the City of Dunwoody and Dekalb County for Water/Sewer Services - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-16 for consideration. Councilmember Ross moved to approve the Resolution. Councilmember Wittenstein seconded. Under discussion, City Attorney Anderson stated that the same rates will continue to be charged as unincorporated Dekalb County for water and sewer services and as were charged to the citizens of Dunwoody before incorporation. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-16*)

Resolution to Approve and Authorize an Intergovernmental Agreement Between the City of Dunwoody and Dekalb County for 911 Emergency Communication Services - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-17 for consideration. Councilmember Shortal moved to approve the Resolution. Councilmember Ross seconded. Under discussion, Councilmember Wittenstein again reiterated his concern about the IGA's constraining 180 day termination provision in case the City comes on a situation where the City wants to get out of the Agreement with Dekalb on 911 services go a different way. He'll still vote for the Resolution because that's what was negotiated but he wishes it was shorter. Councilmember Shortal said that this was hashed out and it takes some time to set up your own 911 service. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-17*)

Resolution to Approve and Authorize a Master Lease with the Georgia Municipal Association - Assistant to Acting City Clerk, Leonid Felgin, read Resolution 2008-11-18 for consideration. Councilmember Shortal moved to approve the Resolution. Councilmember Ross seconded. Under discussion, Councilmember Shortal stated that this Master Lease is needed to be eligible for future tax-free leases. The City Manager confirmed that it would be a good idea to work with the GMA and stated that the GMA has agreed to waive its membership fee for the City of Dunwoody for the first year of the City's existence and future fees will be based on population. The Mayor called for a vote on the motion. Motion carried unanimously. (*Resolution 2008-11-18*)

ACTION ITEM: Authorize issuance of a Letter of Intent to enter into contract negotiations with chosen vendor for the Community Development Department of

the City – Councilmember Bonser moved to approve the Action Item. Councilmember Shortal seconded. Under discussion, Councilmember Wittenstein thought that the Council should announce whom the City will be entering into contract negotiations with. Mayor Wright stated that for the position of Community Development, the City will be in negotiations with Clark Patterson Lee. Councilmember Shortal gave a brief overview of the dates the RFP's were done and submitted and stated that fifteen responses came in and 11 were interviewed for Community Development, Public Works and Finance. Three have been picked to negotiate contracts with and the Council hopes to have the contracts finalized by December 7. Councilmember Shortal complimented Clark Patterson Lee on their proposal and stated that they wanted to do the work and put in significant resources to be able to submit those bids in a short period of time. The City has done due diligence and he wanted to thank all of the Council Members for all their help. The Mayor moved for a vote on the Action Item. The motion carried unanimously. **ACTION ITEM.**

ACTION ITEM: Authorize issuance of a Letter of Intent to enter into contract negotiations with chosen vendor for the Public Works Department of the City – Councilmember Bonser moved to approve Action Item. Councilmember Wittenstein seconded. Under discussion, Councilmember Shortal gave a background on Lowe Engineers, who have worked with the City of Milton and Johns Creek. They bid aggressively and provided the proper answers and assured the City they will work alongside the City Council. Councilmember Bonser said that the Public Works Director will be part of the RFP. Councilmember Shortal said the person suggested for the position was very acceptable to the City Manager. Councilmember Wittenstein said Lowe did a lot of good work for the PCID. The Mayor moved for a vote on the Action Item. The motion carried unanimously. **ACTION ITEM.**

ACTION ITEM: Authorize issuance of a Letter of Intent to enter into contract negotiations with chosen vendor for the Finance and Administration Department – Councilmember Bonser moved to approve the Action Item. Councilmember Ross seconded. Councilmember Bonser stated that the firm being chosen is CGA-JAT, not JAT by itself as previously stated. The Mayor moved to amend the proper designation of the firm chosen as CGA-JAT. Councilmember Ross seconded. The motion was approved unanimously. Back to the original question under discussion, Councilmember Shortal gave a background on CGA-JAT – they did finances in Sandy Springs and for the Atlanta airport. They made good efforts to submit the right answer to the questions presented by the RFP. The City Manager stated that CGA will be doing more administrative work and JAT will do more accounting and revenue collection. They will also do public relations and website updates, as well as IT. Councilmember Bonser stated that there will be software to allow citizens to register complaints and they will be promptly answered. The Mayor moved for a vote on the Action Item. **ACTION ITEM.**

ACTION ITEM: Authorize approval of the RFP for Baking – Councilmember Wittenstein recused himself due to his having stock in Suntrust Bank. Councilmember Taylor moved to approve the Action Item to authorize approval of Suntrust Bank as City's banking institution. Councilmember Heneghan seconded. Under discussion,

Councilmember Ross stated that four banks were interviewed and Suntrust was chosen. Suntrust will allow for a loan the City needs and will have a very attractive interest rate to the City. He is very pleased with their agreement. The Mayor moved to approve the Action Item. The motion carried unanimously.

Georgia Power Franchise - The First Read of Ordinance to Adopt and Approve the Electrical Franchise for Georgia Power was held. The Ordinance was read by the City Attorney.

ACTION ITEM: Authorize City Attorney to notify Dekalb County of the City's takeover of various services – Councilmember Taylor moved to approve the Action Item. Councilmember Shortal seconded. Under discussion, the Mayor stated that this allows the City Attorney to give the County notice of what services will be taken over by the City. The City Attorney says this is authority to have services covered in RFP's and others, including roads, transportation, parks, zoning and permitting, and right-of-way maintenance provided by the City. Councilmember Wittenstein requested a list of detailed notifications that will be made and moved to table the Action Item until the City Attorney delivers the list to the Council. Councilmember Bonser seconded. The City Attorney requested that it be deferred instead of tabled and Councilmember Shortal moved to amend the motion to “defer” this Action Item. Councilmember Ross seconded. A vote was held and motion amended to defer Action Item. Under further discussion, Councilmember Heneghan asked how the parks will be affected. City Attorney Anderson said that will depend on the IGA group but it allows the City to take over services and stop paying the County for it. The Mayor requested a vote on the deferral motion. A vote was held and the motion approved unanimously. The Action Item was deferred until the following Council Meeting.

ACTION ITEM: Authorize the City to enter into binding arbitration with the County on police services – Councilmember Ross moved to approve the Action Item. Councilmember Wittenstein seconded. Under discussion, the Mayor said there is a disagreement on the methodology for provision of police services with the County and the Mayor is confident in the City's position on the matter. Councilmember Taylor stated that other options were considered – including the sheriff – but the terms were too long on some and hard to get out of on others. Councilmember Ross gave an overview on the arbitration process that will guide the resolution to this problem. He believes that it is a good and mutually agreeable process. The Mayor stated that the County must still provide the services – the question is how much the City will pay and that is what has to be decided either now or in the future. Councilmember Wittenstein understands that the County has this on the agenda at their next meeting as well. City Attorney Anderson clarified that the County meeting is on December 1st. Councilmember Ross stated that everything has been negotiated except price. The Mayor moved to approve the Action Item. A vote was held and the motion carried unanimously. **ACTION ITEM.**

ACTION ITEM: Vote to authorize City Manager to fill certain positions, approve job descriptions and salary – Councilmember Taylor moved to approve the Action Item. Councilmember Bonser seconded. Under discussion, the City Manager gave the

overview of the positions: City Clerk, Finance Director, Chief of Police and Clerk of Court. City Manager gave range of salaries for each position and believes that salary ranges are appropriate and stem from research and surrounding municipalities. The City Clerk position has received several applications. The Finance Director and Chief of Police positions have been interviewed but no decision has been made. The Court Clerk is being advertised for currently. The Mayor moved to approve the Action Item. A vote was held and the motion carried unanimously.

OTHER BUSINESS: None at this time.

PUBLIC COMMENT:

Larry Echikson – Citizen of Dunwoody and works for Wachovia – was co-chairman of the Police Chief committee. He wants to make himself available for any advice on Dunwoody law enforcement.

Ken Curry – Co-chairman of the Dunwoody Police task force – concerned there are no performance standards during these negotiations for police services and there are no police officers involved in the negotiation.

There being no further business, Council Member Taylor made a motion to adjourn, seconded by Council Member Wittenstein. The motion carried unanimously and the meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Joan Jones, Acting City Clerk